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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Joint Petition for  
Rulemaking to Establish  
Rules for Subscriber Access  
to Cable Home Wiring for  
the Delivery of Competing  
and Complementary Video  
Services

RM-8380

TO: The Commission

COMMENTS OF THE  
UTILITIES TELECOMMUNICATIONS COUNCIL

Pursuant to Section 1.405 of the Commission's Rules, the Utilities Telecommunications Council (UTC) hereby submits its comments in support of the above-referenced petition for rulemaking, filed July 27, 1993, by the Media Access Project, the United States Telephone Association, and the Citizens for a Sound Economy Foundation.<sup>1/</sup>

Petitioners have requested initiation of a rulemaking proceeding to adopt rules on consumer use of cable television inside wiring. Although rules have been adopted on the disposition cable television inside wiring in order to meet the minimum requirements of the Cable Television

<sup>1/</sup> Public Notice of the petition was given by DA 93-1343, released November 15, 1993.

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Consumer Protection and Competition Act of 1992,<sup>2/</sup> petitioners argue that additional rules are warranted to determine how cable subscribers may have access to cable home wiring for the delivery of competing and complementary services before termination of existing cable television service.

UTC agrees with the petitioners, and urges initiation of a rulemaking proceeding on this subject. As described by UTC in its Comments in MM Docket No. 92-260, many utilities are investigating the deployment of broadband communications systems for automatic meter reading, demand-side management, peak load control, and other advanced energy conservation techniques. Cable home wiring could provide a convenient means by which these systems could be interconnected to devices within the home. In these situations, energy management services could not be provided, except at additional cost to the consumer, if the cable television operator were to use a claim of ownership to block access to the inside wiring. Further, the Commission's recently-adopted policies on cable inside wiring would offer no relief unless the consumer were also willing to terminate cable television service; an unlikely scenario.

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<sup>2/</sup> Report and Order in MM Docket No. 92-260, 8 FCC Rcd 1435 (1993).

UTC agrees with the petitioners that the Commission's rules on telephone inside wiring provide an excellent model for the development of cable television inside wiring policies. Indeed, with the development of hybrid cable television/telephone systems or video dial tone systems, some inside wiring used for multichannel video delivery might be subject to the FCC's existing policies on telephone wiring. With the potential, if not likely, convergence of these two technologies, the Commission should make its policies on cable television inside wiring and telephone inside wiring as consistent as possible.

The telephone inside wiring model renders moot any issues concerning "legal title" to the inside wiring under state property or taxation laws. It is irrelevant whether title is considered to be vested in the cable television company or the homeowner, or whether the wiring is considered a "fixture" or a part of the cable television plant. This would eliminate any possibility of confusion among consumers and ensure that all homeowners are able to make beneficial use of cable inside wiring without objection by the local cable television operator.

In its Report and Order in MM Docket No. 92-260, the Commission expressed some concern over the assignment of responsibility for preventing cable television signal

leakage under revised cable inside wiring rules. Again, however, the Commission's Rules on telephone inside wiring and customer premises equipment (CPE) are instructive. Although telephone inside wiring or CPE generally does not have the potential to cause harmful interference to other radio services, there is the potential for improperly installed or maintained telephone inside wiring or CPE to cause harm to the public telephone network. Recognizing this potential, the Commission has adopted clear policies which permit a telephone company to terminate service if the carrier reasonably believes that harm to the network, as defined by applicable standards, is imminent.<sup>3/</sup>

In the same manner, cable television subscribers may be held responsible for cable television inside wiring that is found to be causing excessive signal leakage. While the cable television operator is ultimately responsible for correcting excessive signal leakage on facilities used by its subscribers, the cable operator may fulfill its responsibility by terminating cable television service to any subscriber whose in-building equipment radiates a signal outside the building or in such a manner as to cause the cable system to exceed the signal leakage standards of Part 76. Adoption of the telephone inside wiring model for

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<sup>3/</sup> Report and Order and Further Notice of Proposed Rule Making in CC Docket No. 88-57, 5 FCC Rcd 4686, 4696-97 (1990).

cable television inside wiring would not require alteration of this policy.


UTC therefore supports initiation of a rulemaking proceeding to consider adoption of rules that will foster a competitive environment for broadband communications systems. Specifically, UTC supports adoption of a rule that would prohibit a cable operator from using a claim of ownership as a basis for restricting a subscriber's right to remove, replace, rearrange, or maintain any cable home wiring that may have been installed by the cable operator.

**WHEREFORE, THE PREMISES CONSIDERED,** the Utilities Telecommunications Council respectfully urges the Commission to take action in this matter consistent with the views expressed herein.

Respectfully submitted,

**UTILITIES TELECOMMUNICATIONS  
COUNCIL**

By:

  
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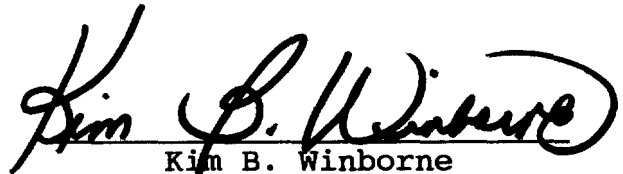
CERTIFICATE OF SERVICE

I, Kim B. Winborne, a secretary with the Utilities Telecommunications Council, hereby certify that I have caused to be sent, this 21st day of December, 1993, by first class mail, postage prepaid, a copy of the foregoing "Comments of the Utilities Telecommunications Council" to each of the following:

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